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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/721,703

11/25/2003

Jennifer Farrell

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INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER

GARCIA, GABRIEL I

ART UNIT

PAPER NUMBER

2625

NOTIFICATION DATE

DELIVERY MODE

11/17/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/721,703	<b>Applicant(s)</b> FARRELL ET AL.	
	<b>Examiner</b> GABRIEL I. GARCIA	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### Part III DETAILED ACTION

1. In view of the appeal brief filed on 8/18/08, PROSECUTION IS HEREBY REOPENED. New grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

2. This application has been examined. Applicant's arguments, see Appeal brief, filed on 8/18/08, with respect to the rejection(s) of claim(s) 1-29 under Nakajima (6,701,011) have been fully considered and are persuasive. Therefore, the final rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Tyson et al. (7,296,870). Claims 1-29 are pending in this application.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Tyson et al. (7,296,870).

With regard to claim 1, Tyson et al. teaches receiving a document for printing in an image forming device (**reads on the abstract, which describes a printer that can print a document in color or monochrome**), wherein a print mode setting is associated with the document (**reads on fig. 7, step 702, an evaluation is done associated with the print mode such as printing color pages or monochrome pages**); and printing at least a portion of the document monochromatically or in color based upon the print mode setting and a state of a print mode actuator (**e.g. the print mode actuator reads on the printer mode switch of fig. 2**) the switch in the image forming device (**e.g. the printing is performed based on the print mode set by the printer mode switch as depicted in figs. 1-7**).

With regard to claim 2, the limitations of claim 3 are covered by the limitations are covered in the limitations of claim 1 above, Tyson et al. further teaches comprises

implementing an execution of a monochromatic raster image processing of the document if the print mode setting specifies a monochromatic print setting (**reads on figs. 1 and 2, which depicts how the printing mechanism 108 can print the document based by the mono mode 118 processing being specified by the printer mode switch decision module**).

With regard to claims 3 and 4, Tyson et al. further teaches wherein the print mode actuator (**e.g. the print mode actuator reads on the printer mode switch of fig. 2**) includes at least an application state and a monochromatic override state, and the printing of the at least a portion of the document monochromatically or in color based upon the print mode setting and the state of the print mode actuator in the image forming device further comprises implementing an execution of a color raster image processing of the document if the print mode actuator is in the application state and the print mode setting specifies a color print setting or monochromatic print setting (**reads on figs. 1-3 and [0020], which depicts and describe the use of module application that checks the state of the print mode and the override state that allows to override and print using the color processing or monochromatic**).

With regard to claim 5, Tyson et al. further teaches implementing an execution of a raster image processing of the document, wherein the raster image processing is of one of a monochromatic raster image processing or a color raster image processing(**reads on figs. 1 and 2, which depicts how the printing mechanism 108 can print the document based by the mono mode 118 processing being specified by the printer mode switch decision module**), detecting a change (**or switch between modes**) in the state of the print mode actuator during the execution of the raster image processing of the document (**see claims 2-8**); and transitioning the raster image processing of the document at a transition point in response to the change in the state of the print mode actuator (reads on claims 2-10 which describe how the state of the print can change

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based on the consumable and user's input).

With regard to claim 6, Tyson et al. further teaches the transitioning is upon completion of the monochromatic or color raster image processing of a strip of the document that was in progress at the time of the change in the state of the print mode actuator (**reads on fig. 4, which depicts how the mode can be changed given the user the option of switching or keeping the same print mode**).

With regard to claim 7, Tyson et al. further teaches wherein the transitioning is upon completion of the monochromatic or color raster image processing of a page of the document that was in progress at the time of the change in the state of the print mode actuator (**reads on claim 15 and figs. 4 and 5, which describes how the print mode can be change while in progress to reduce cartridge wear**).

With regard to claim 8, Tyson et al. further teaches executing one of a monochromatic raster image processing or a color raster image processing of the document (**reads on figs. 1 and 2, which depicts how the printing mechanism 108 can print the document based by the mono mode 118 processing being specified by the printer mode switch decision module**); detecting a change in the state of the print mode actuator during the execution of the one of the monochromatic raster image processing or the color raster image processing of the document (**see figs 4 and 5 and claims 2-8**); and completing the monochromatic raster image processing or the color raster image processing of the document even though a change in the state of the print mode actuator is detected that results in an inconsistency between the state of the print mode actuator and the raster image processing of the document that was in progress at the time of the change in the state of the print mode actuator(**reads on claim 15 and**

**figs. 4 and 5, which describes how the print mode can be change while in progress to reduce cartridge wear.**

With regard to claims 9-29, the limitations of claims 9-29 are covered by the limitations of claims 1-8 above.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Burkes et al. (6,788,907) teaches an apparatus and method for managing printing mode switching in a printing apparatus.

Katahira (6,636,711) teaches an image forming apparatus having print mode setting switch (see fig. 1).

Fuji (5,971,582) teaches a method for controlling printing mode having switch means.

Kobayakawa (4,875,061) teaches a color image recording apparatus having a switch to change print modes.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel I. Garcia whose telephone number is (571) 272-7434. The Examiner can normally be reached Monday-Thursday from 7:30 AM-6:00 PM. The fax phone number for this group is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2600.

/Gabriel I Garcia/

Primary Examiner, Art Unit 2625

**Gabriel I. Garcia**  
**Primary Examiner**  
**November 9, 2008**  
/King Y. Poon/

**Supervisory Patent Examiner, Art Unit 2625**



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